



Nevada Senate Bill No. 374

Medical Marijuana Dispensary FAQs and Definitions

When will the applications for certification be available for Nevada medical marijuana dispensaries, testing laboratories, cultivation facilities and production facilities?

The details regarding applications will be determined no later than April 1, 2014. Prior to that time, public input will be sought. Check www.health.nv.gov for updates and notifications.

According to Section 25 of Senate Bill 374, "On or before April 1, 2014, the [Division of Public and Behavioral Health]...shall adopt the regulations required pursuant to section 20 of this act."

Section 20 of SB 374 authorizes the Division to adopt any regulations deemed necessary or advisable to carry out the program of dispensing marijuana and related products to persons authorized by law to engage in the medical use of marijuana.

NEW: Work groups for regulation review are now being considered. Anyone interested in participating in the work groups listed below can respond by email to medicalmarijuana@health.nv.gov.

- Laboratory testing and oversight
- Dispensary registration and oversight
- Cultivation registration and oversight-Medical marijuana production facility registration and oversight

I am interested in being a member of the Subcommittee on the Medical Use of Marijuana of the Commission. How can I apply?

Per Senate Bill No. 374 (2013), the Subcommittee on the Medical Use of Marijuana is appointed by the Chair of the Advisory Commission on the Administration of Justice (ACAJ). It is anticipated that the Chair may appoint members of the Subcommittee sometime after the Division of Public and Behavioral Health formally adopts regulations and begins issuing registrations to medical marijuana dispensaries and related entities. In the meantime, interested persons may download and submit an application to serve on the Subcommittee at the following website:

<http://www.leg.state.nv.us/Interim/77th2013/Committee/LegAppointedCommittees/>

The staff contact for the committee is Nick Anthony. His email is nanthony@lcb.state.nv.us. People who want more information about the subcommittee can contact Nick.

When do the provisions allowing for possession of up to 12 marijuana plants become effective?

These provisions are in Section 22 of the bill. Pursuant to Section 26, Section 22 is not effective until April 1, 2014, since this issue is not regulation driven nor is it a preparatory administrative act.

Can a dispensary use a derivative of “pharmacy” in its dispensary name?

The bill does not specifically address this issue, but the Division will recommend not using any name representing a dispensary as a pharmacy. Chapter 639 of the NRS governing pharmacies has a clear definition of a pharmacy, and NRS 639.230 specifies that a person shall not use the word “prescription” or “pharmacy,” “or similar words or words of similar import without first having secured a license” from the State Board of Pharmacy.

What fees will be required for establishing a medical marijuana dispensary in the state of Nevada?

A one-time, **non-refundable application fee** of \$5,000, and the actual costs incurred by the Nevada Division of Public and Behavioral Health in processing the application, including, without limitation, conducting background checks.

For the initial issuance of a medical marijuana establishment registration certificate for a **medical marijuana dispensary**..... \$30,000

For the **renewal** of a medical marijuana establishment registration certificate for a medical marijuana dispensary \$5,000

For the initial issuance of a medical marijuana establishment registration certificate for a **cultivation facility**..... \$3,000

For the **renewal** of a medical marijuana establishment registration certificate for a cultivation facility \$1,000

For the initial issuance of a medical marijuana establishment registration certificate for a **facility for the production of edible marijuana products or marijuana-infused products** \$3,000

For the **renewal** of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products \$1,000

For the initial issuance of a medical marijuana establishment **agent registration card**\$75

For the **renewal** of a medical marijuana establishment agent registration card \$75

For the initial issuance of a medical marijuana establishment registration certificate for an **independent testing laboratory**..... \$5,000

For the **renewal** of a medical marijuana establishment registration certificate for an independent testing laboratory. \$3,000

Helpful definitions

Cultivation facility: a business that:

1. Is registered with the Division pursuant to section 10* of this act; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
 - (c) Other cultivation facilities.

Edible marijuana products: products that:

1. Contain marijuana or an extract thereof;
2. Are intended for human consumption by oral ingestion; and
3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

Facility for the production of edible marijuana products or marijuana-infused products: a business that:

1. Is registered with the Division pursuant to section 10* of this act; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Independent testing laboratory: a facility described in section 19.9* of the bill.

Marijuana-infused products: products that:

- (a) Are infused with marijuana or an extract thereof; and
- (b) Are intended for use or consumption by humans through means other than inhalation or oral ingestion.

The term includes, without limitation, topical products, ointments, oils and tinctures.

Medical marijuana dispensary: a business that:

1. Is registered with the Division pursuant to section 10* of this act; and
2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

Medical marijuana establishment:

1. An independent testing laboratory;
2. A cultivation facility;

3. A facility for the production of edible marijuana products or marijuana-infused products;
4. A medical marijuana dispensary; or
5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2*, 3* and 4*.

Medical marijuana establishment agent: an owner, officer, board member, employee or volunteer of a medical marijuana establishment.

Medical marijuana establishment agent registration card: a registration card that is issued by the Division pursuant to section 13* of this act to authorize a person to volunteer or work at a medical marijuana establishment.

Medical marijuana establishment registration certificate: a registration certificate that is issued by the Division pursuant to section 10* of this act to authorize the operation of a medical marijuana establishment.

***SB374** http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB374_EN.pdf